

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA)
) 2:19-cr-140 PPS-JEM
v.)
) Hon. Philip P. Simon
MICHAEL A. CHRISTIANSON)

GOVERNMENT'S PROPOSED VOIR DIRE

COMES NOW the United States of America, through undersigned counsel, to respectfully request that the attached questions, numbered 1 through 12, be asked during jury selection in this case.

Dated: May 4, 2021

Respectfully submitted,

GARY T. BELL
Acting United States Attorney

By: /s/ Jill Koster
Assistant United States Attorney
5400 Federal Plaza, Suite 1500
Hammond, Indiana 46320
(219) 937-5500

GOVERNMENT'S PROPOSED VOIR DIRE QUESTION NO. 1

Have you, has any close family member of yours, or has any close friend of yours ever been investigated for, or accused of, a sexual crime involving a child, or any crime involving images, videos or other depictions of children being caused to engage in sexually explicit conduct?

GOVERNMENT'S PROPOSED VOIR DIRE QUESTION NO. 2

Have you, has any close family member of yours, or has any close friend of yours ever been wrongly, improperly, or unfairly investigated or charged with a crime of *any* kind?

GOVERNMENT'S REQUESTED VOIR DIRE QUESTION NO. 3

The investigation of this case was carried out by federal agents employed by the Federal Bureau of Investigation (“FBI”). Have you, has any close family member of yours, or has any close friend of yours ever had a bad experience with the FBI or one of its agents, or with any other local, state or federal law enforcement agency or employee?

GOVERNMENT'S PROPOSED VOIR DIRE QUESTION NO. 4

This case is being prosecuted by the United States Department of Justice (“DOJ”) through its U.S. Attorney’s Office here in Hammond. Have you, has any close family member of yours, or has any close friend of yours ever had a bad experience with an employee of the DOJ, or with an employee of any local or state prosecutor’s office?

GOVERNMENT'S PROPOSED VOIR DIRE QUESTION NO. 5

This case involves an attempt to publish a series of children's books that the government alleges are obscene and contain depictions of minors under the age of 18 being caused to engage in sexually explicit conduct including the lascivious display of their genitalia. Is there anyone here who, for any reason, feels they cannot fairly sit in judgment of a person charged with those offenses?

GOVERNMENT'S PROPOSED VOIR DIRE QUESTION NO. 6

Given the charges, anyone selected for the jury in this case will be asked to view the charged material and determine whether it is obscene or whether it depicts a minor being caused to engage in sexually explicit conduct including the lascivious display of their genitalia. Viewers may find the material distasteful, offensive, and unpleasant, however that fact alone is not a valid basis to avoid jury service. Many trials, both criminal and civil, require jurors to be exposed to unpleasant evidence; If we excused prospective jurors on that ground alone, we could never seat a fair jury and our system of justice would not properly function. Having said all of that, please let me know now if you would like to privately express a concern about being called upon to view the charged material in this case.

GOVERNMENT'S PROPOSED VOIR DIRE QUESTION NO. 7

Does anyone here believe that laws criminalizing the transportation of obscenity and child pornography are draconian, unduly strict, or unfair in any way?

GOVERNMENT'S PROPOSED VOIR DIRE QUESTION NO. 8

Does anyone here disagree with the idea that the government has an obligation to protect its citizens by controlling what items may be legally transported from one state to another state?

GOVERNMENT'S PROPOSED VOIR DIRE QUESTION NO. 9

Would anyone here have difficulty following an instruction by the Court that child pornography and obscenity are not protected by the First Amendment's free speech provision?

GOVERNMENT'S PROPOSED VOIR DIRE QUESTION NO. 10

Have you, has any close family member of yours, or has any close friend of yours ever worked in the criminal defense field, either as an attorney, paralegal, legal assistant or investigator?

GOVERNMENT'S REQUESTED VOIR DIRE QUESTION NO. 11

At various times during the case, the Court will instruct the jury on the applicable law. It is the obligation of each juror to follow the Court's instructions on the law, whether they agree with the law or not. If you were to find that you disagreed with the law as given to you, would you nonetheless be able to follow the law and reach a verdict by applying the law to the evidence?

GOVERNMENT'S REQUESTED VOIR DIRE QUESTION NO. 12

Does anyone here have a physical or mental limitation that will prevent or impede them from giving this case their full attention for the next several days? Will anyone here have difficulty sitting still for an hour or two at a time each day?

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2021, I filed the foregoing with the Court via the ECF system, and arranged for a filed copy to be sent to Defendant via certified mail at his current place of incarceration according to the U.S. Marshal's Office in Hammond, Indiana (when checked earlier today the BOP website stated Defendant was "released on 4/28/21").

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